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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ARLYN WOOD,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF THE
ARMY,

Defendant.

Case No.

**COMPLAINT FOR VIOLATION OF
THE FREEDOM OF INFORMATION
ACT (FOIA)**

I. INTRODUCTION

1. This case arises out of the United States Army's ("Army") repeated failures to comply with the Freedom of Information Act (FOIA).

2. Plaintiff, Arlyn Wood, is an honorably discharged and retired U.S. Army combat veteran whose post 9/11 military service includes tours of duty in Iraq, Turkey, the Republic of Georgia, and against Al Qaeda and Al Shabaah in North, East, and West Africa. Mr. Wood is

1 also a father and, since at least 2015, he has sought, from the Army, records regarding, *inter alia*,
2 investigations the Army conducted regarding the abuse and neglect of his minor children.

3 **II. JURISDICTION AND VENUE**

4
5 3. Plaintiff incorporates the above paragraphs as if pled verbatim herein.

6 4. This Court has subject matter jurisdiction pursuant to 5 U.S.C. §552(a)(4)(B) and
7 28 U.S.C. § 1331.
8

9 5. Venue is proper under 28 U.S.C. § 1391(e) and 5 U.S.C. § 552(a)(4)(B) as Mr.
10 Wood resides in this District and FOIA provides, in relevant part, “that the district court of the
11 United States in the district in which the complainant resides...has jurisdiction to enjoin the agency
12 from withholding agency records and to order the production of any agency records improperly
13 withheld from the complainant.”
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15 **III. PARTIES**

16 6. Plaintiff incorporates the above paragraphs as if pled verbatim herein.

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18 7. Mr. Wood resides in Kirkland, Washington and maintained a residence in Kirkland,
19 Washington, or elsewhere in the Western District of Washington, during all times relevant to this
20 lawsuit.
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22 8. Defendant, U.S. Army, is an agency of the United States Government under 5
23 U.S.C. § 552(f) and is headquartered at 300 Army Pentagon, Washington, DC 20310-300. The
24 Army has possession, custody, and control of records to which Mr. Wood seeks access.
25

26 **IV. STATEMENT OF FACTS**

1 9. Plaintiff incorporates the above paragraphs as if pled verbatim herein.

2 10. On or about November 3, 2015, Mr. Wood submitted a FOIA request to the Army
3 that sought records concerning Mr. Wood's participation in (and involuntary removal from) the
4 Captains Career Course and emails that Gerald Smith sent or received regarding Mr. Wood. (FOIA
5 Request No. 1)

6 11. On or about December 10, 2015, the Army acknowledged receipt of Mr. Wood's
7 November 3, 2015, FOIA request, thanked Mr. Wood for his "participation in the Army Freedom
8 of Information Act Program" and told Mr. Wood that the FOIA request was forwarded to the U.S.
9 Army's Human Resources Command for processing. The Army assigned a control number, FP
10 16-0233, to the above-referenced FOIA request.
11

12 12. This is the Army's only response to FOIA Request No. 1.
13

14 13. As of the date of this Complaint, the Army has not produced a single document
15 responsive to FOIA Request No. 1.
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17 14. As of the date of this Complaint, the Army has not given Mr. Wood any justification
18 for its refusal to produce or otherwise respond to FOIA Request No. 1.

19 15. On February 23, 2016, Mr. Wood submitted a FOIA request to the Army requesting
20 that the Army's Criminal Investigative Division (CID) produce all "CID 0055-215-CID 277 case
21 records." (FOIA Request No. 2)
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23 16. As of the date of this Complaint, the Army has not responded, at all, to FOIA
24 Request No. 2.
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1 17. On February 23, 2016, Mr. Wood submitted a FOIA request to the Army requesting
2 that the Army's Criminal Investigative Division (CID) produce all "CID 0094-215-CID 277 case
3 records." (FOIA Request No. 3)

4 18. As of the date of this Complaint, the Army has not responded, at all, to FOIA
5 Request No. 3.

6 19. On February 8, 2018, Mr. Wood submitted a FOIA request to the Army that
7 requested records related to Mary Ellen Kauffman, the Family Advocacy Program Manager for
8 Stuttgart, Germany. (FOIA Request No. 4)

9 20. On February 14, 2018, the Army acknowledged receipt of Mr. Wood's February 8,
10 2018, FOIA request and told Mr. Wood that the FOIA request was forwarded to the HQ, U.S.
11 Army Europe, G6 "for action and direct response to you." The Army assigned a control number,
12 FP 18-010416, to the above-referenced FOIA request.

13 21. This is the Army's only response to FOIA Request No. 4.

14 22. As of the date of this Complaint, the Army has not produced a single document
15 responsive to FOIA Request No. 4.

16 23. As of the date of this Complaint, the Army has not given Mr. Wood any justification
17 for its refusal to produce or otherwise respond to FOIA Request No. 4.

18 24. On February 8, 2018, Mr. Wood submitted a FOIA request to the Army that
19 requested records related to Mary Ellen Kauffman, the Family Advocacy Program Manager for
20 Stuttgart, Germany and any charges that Ms. Kauffman filed against Mr. Wood. (FOIA Request
21 No. 5)

1 25. On February 14, 2018, the Army acknowledged receipt of Mr. Wood's February 8,
2 2018, FOIA request and told Mr. Wood that the FOIA request was forwarded to the HQ, U.S.
3 Army Europe, G6 "for action and direct response to you." The Army assigned a control number,
4 FP 18-010417, to the above-referenced FOIA request.

5 26. This is the Army's only response to FOIA Request No. 5.

6 27. As of the date of this Complaint, the Army has not produced a single document
7 responsive to FOIA Request No. 5.
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9 28. As of the date of this Complaint, the Army has not given Mr. Wood any justification
10 for its refusal to produce or otherwise respond to FOIA Request No. 5.

11 29. On July 9, 2018, Mr. Wood submitted a FOIA request to the Army that sought:
12

- 13 • All complaints that Arlyn Wood made to any Europe-based branch of the U. S.
14 Army's Criminal Investigative Command/Criminal Investigative Division from
15 January 1, 2012 to the present day regarding Teodora Simona Wood a/k/a Popa
a/k/a Borşoş.
- 16 • All documents, including, without limitation, emails, letters, text messages,
17 or other tangible means of written communication made by Nicole G. Staples
18 regarding Arlyn Wood from January 1, 2017 to the present day.
- 19 • All documents, including, without limitation, emails, letters, text messages,
20 or other tangible means of written communication made by Sarah Kamp regarding
Arlyn Wood from January 1, 2017 to the present day.
- 21 • All documents, including, without limitation, emails, letters, text messages,
22 or other tangible means of written communication made by Konrad Braun
regarding Arlyn Wood from January 1, 2017 to the present day.
- 23 • All emails sent that Sarah Kamp sent (to any person) or received (from any
24 person) regarding Arlyn Wood during the January 1, 2018 – present day.
- 25 • All documents that relate to or are associated with any order, directive, or
26 like request that Arlyn Wood be permanently or temporarily barred from entering
27 any U.S. Military installation in Europe from January 1, 2018, to the present day.
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1 • Each document that relates to or is associated with any “temp bar for
2 USAG-Stuttgart” regarding Arlyn Wood during the January 1, 2018 to the present
3 day timeframe.

4 • All documents that Christopher Knight sent (to any person) or received
5 (from any person) regarding Arlyn Wood from January 1, 2017 to the present day.

6 • All documents that Anthony or Tony Black sent (to any person) or received
7 (from any person) regarding Arlyn Wood from January 1, 2017 to the present day.
8

9 • All documents that Lt Col Erik Dutkiewicz sent (to any person) or received
10 (from any person) regarding Arlyn Wood from January 1, 2017 to the present day.

11 • All documents that Melody Freese sent (to any person) or received (from
12 any person) regarding Arlyn Wood from January 1, 2017 to the present day.

13 • All documents that Andrew Shattuck sent (to any person) or received (from
14 any person) regarding Arlyn Wood from January 1, 2017 to the present day.

15 • All documents that any employee or agent of the SOCEUR J2 received
16 (from any person) or sent (to any person) regarding Arlyn Wood from January 1,
17 2017 to present day.

18 • All documents that any employee of agent of the AFRICOM J2 received
19 (from any person) or sent to any person) regarding Arlyn Wood from January1,
20 2017 to present day.

21 • All documents that Christine Charles sent (to any person) or received (from
22 any person) regarding Arlyn Wood from January 1, 2017 to the present day.

23 • All documents that Steven Crawford sent (to any person) or received (from
24 any person) regarding Arlyn Wood from January 1, 2017 to the present day. (FOIA
25 Request No. 6)

1 30. As of the date of this Complaint the Army has not responded, at all, to FOIA
2 Request No. 6.

3 31. On August 7, 2018, Mr. Wood appealed the Army's constructive denial of FOIA
4 Request No. 6.

5 32. Over twenty (20) business days have elapsed since the Army received Mr. Wood's
6 six FOIA requests and August 7, 2018 FOIA appeal.

7 33. The Army did not respond to the Mr. Wood's August 7, 2018, FOIA appeal within
8 twenty (20) business days of receiving Mr. Wood's FOIA appeal.

9 34. Pursuant to 5 U.S.C. § 552(a)(6)(A)(ii), the Army's response to all of Mr. Wood's
10 FOIA requests were due within twenty business days of the dates said FOIA requests were made.

11 35. As of the date of this Complaint, the Army has failed to produce any records
12 responsive to any of the above-referenced FOIAs request or demonstrate that the responsive
13 records are exempt from production.

14 36. Because the Army has failed to comply with the time limit set forth in 5 U.S.C. §
15 552(a)(6)(A)(i)&(ii), Mr. Wood is deemed to have exhausted any and all administrative remedies
16 with respect to the FOIA requests per 5 U.S.C. § 552(a)(6)(C).

17 37. The above facts make clear that the Army is improperly withholding the records
18 subject to Mr. Wood's FOIA requests.

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23 **V. CLAIM FOR RELIEF**
24 **(Violation of FOIA 5 U.S.C. § 552)**

25 38. Plaintiff incorporates the above paragraphs as if pled verbatim herein.
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1 B. Order Defendant to produce, by a date certain, any and all non-exempt records responsive
2 to Plaintiff's FOIA requests and a index of any responsive records withheld under a claim of
3 exemption.

4 C. Enjoin Defendant from continuing to withhold any and all non-exempt records responsive
5 to Plaintiff's FOIA requests.

7 D. Award plaintiff costs, attorneys' fees, and other reasonable expenses pursuant to 5 U.S.C.
8 § 552(a)(4)(E).

9 E. Award plaintiff additional relief as the Court deems just and equitable.

11 DATED this September 7, 2018.

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